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Members of the Subcommittee:

Thank you for the opportunity to testify on the important issues associated with the Magnuson-Stevens Fishery Conservation and Management Act reauthorization.

The Alaska Marine Conservation Council (AMCC) is a community-based organization made up of fishermen, traditional subsistence harvesters, small business owners, biologists and families. Our mission is to protect the health and diversity of our marine ecosystem. We do that by working to improve fisheries management to minimize bycatch, prevent overfishing, protect habitat and promote clean, community-based fishing opportunities – all existing objectives in the Magnuson-Stevens Act. We believe that enabling communities to have access to our fishery resources, combined with strong conservation management, preserves and promotes healthy economies and ecosystems on which our fisheries depend.

North Pacific as a Model for Fisheries Management

The North Pacific is often promoted as a model for fishery management in other regions. The implication is that if other regional councils were raised to the standards employed here in the North Pacific, overfishing and a myriad other problems would be solved. The North Pacific has achieved the accolade of being the best managed fishery because there are no declared overfished groundfish species in Alaska and because the North Pacific Fishery Management Council has instituted certain positive practices including the following:

- Optimum Yield Cap – The Council established a 2 million metric ton cap on the total amount of groundfish that can be harvested annually from the Bering Sea and Aleutian Islands. In the Bering Sea, the amount of fish that could be taken based on maximum sustainable yield would be higher than the 2 million metric ton cap. So the

cap has put the brakes on even larger landings that would have been permitted if the total allowable catch were based only on biomass estimates.

- Total Allowable Catch is Set Below Biological Limit – The Scientific and Statistical Committee (SSC) sets the Acceptable Biological Catch (ABC) and the Council sets the total allowable catch (TAC) at or below this limit for each groundfish species. Setting the TAC below the biological level serves as a buffer, which helps to account for uncertainty in stock assessment models. This practice has prevented political influence from persuading the Council to exceed scientifically established fishing limits.

- Bottom Trawl Closures – The Council has closed several large areas to bottom trawling (Southeast Alaska, Bristol Bay, a zone around the Pribilof Islands and, most recently, 60% of the fishable grounds in the Aleutian Islands). Some of these actions were crisis driven to protect collapsed crab populations while others prevent destructive fishing practices in sensitive areas containing coral and other living habitat features.

- Observer Program – The Council established an observer program to monitor catch and bycatch in groundfish fisheries. The program has provided important data for evaluating fisheries performance and controlling trawl fishery bycatch of certain species including halibut, crab, salmon and herring.

- Bycatch Reduction – Estimated total bycatch in the North Pacific has reduced by 50% since the last reauthorization.

- Seabird Protection – Through an industry/agency/Council partnership, the longline fleet has adopted creative technology to reduce fatal interactions with seabirds including the endangered short-tail albatross.

- Small Boat Allocation – The Council allocated 2% of the Bering Sea cod fishery to jig boats. This, along with allocations to other small fixed gear fleets, has enabled low-impact local fisheries to take hold in the otherwise industrialized Bering Sea. Similarly, the State of Alaska allocated 25% of the federal cod TAC in the Gulf of Alaska to jig and pot vessels only, which revived opportunities for clean, community-based fleets.

These attributes deserve recognition and a note that they are measures that help implement legal requirements in the Magnuson-Stevens Act. Beneath these positive aspects of our fisheries, however, lies a more subtle critique, which we believe is important to recognize and address if we are to be true to the goal of long-term sustainable fisheries intended by the Magnuson-Stevens Act and healthy ecosystems:

- While it’s important to set the TAC below biological limits, the question then is how biological limits are set. Some aspects of setting biological limits are worthy of

conservation improvements. For example, some of the most vulnerable species, such as rougheye rockfish that live to be over 200 years old, are managed as one large population across the vast Bering Sea and Aleutian Islands region, without regard to localized populations or their fidelity to specific locales or habitat features. Overfishing appears to be occurring in some areas though the problem is not represented in catch statistics for the region as a whole. Continuing to manage this way is likely to mask an overfishing situation, which would be especially serious for long-lived, slow recovering species like rockfish.

As a second example, the tragic legacy of crab fisheries in Alaska is that almost every crab fishery in the central Gulf and Bering Sea is either significantly reduced or closed due to population declines. Policy makers are content to accept the hypothesis that these declines were caused only by changing oceanographic conditions even though there is evidence that exploitation rates were too high in some cases and continued impacts are occurring from the use of bottom trawl gear in sensitive areas.

Finally, for other species, such as pollock, it may be important to take into account other food web dynamics. The depleted fur seal population of the Pribilof Islands feeds in the same area that large-scale fisheries occur. While the islands and surrounding waters are critically important for breeding and raising pups and the fur seal is culturally important to the Aleut people who live there, such ecosystem factors are not taken into account when setting overall fishery catch limits.

- The Council and NOAA Fisheries Alaska Region have recognized that bottom trawling is the most damaging fishing practice and has closed some large areas as a result. The problem is that, as fishery managers acknowledge, we don't know the habitat requirements for virtually any groundfish species in the North Pacific. Furthermore, there is a significant dearth of information about where sensitive habitats are located, such as the distribution of coral and sponge habitats or other sensitive living seafloor structures. Very little mapping has been done to evaluate the condition of these habitats, assess habitat degradation or enable habitat conservation to be pursued in a more systematic fashion.

- The observer program allows for data collection on only about 15% of the groundfish catch in the Gulf of Alaska. This problem has persisted since 1995 when improvements designed to fix this and other problems were rescinded. More and higher quality data are needed to track these fisheries and understand fishing practices and their effects more clearly.

- Bycatch has been reduced from over 600 million pounds in 1997 to an average of 300 million pounds since 1998. This is a gratifying improvement generated primarily by the requirement that all trawl vessels must avoid or retain the catch of juvenile pollock and cod. However, measures to reduce bycatch in some of the most indiscriminant fisheries (for Bering Sea flatfish) have been postponed three times and are not likely to be implemented before 2007, a full 11 years after Congress passed the Sustainable Fisheries Act. In 2003 these bottom trawl fisheries collectively wasted

30% of their catch; some vessels throw away at least half of their catch of certain species. Finally, measures to minimize salmon bycatch in Bering Sea trawl fisheries have not succeeded but the bycatch has dramatically increased in recent years to about 500,000 salmon taken in 2004 in the pollock fishery.

We appreciate that the Council is committed to working on some of these outstanding issues, including rockfish conservation, salmon bycatch and the observer program. However, these glass-half-full and glass-half-empty views of our fisheries provide a snapshot of the strengths and weaknesses of the North Pacific system today and a basis for how Congress can amend the Magnuson-Stevens Act so as to capture the positive features of the North Pacific *and further build on the Alaska experience* to take all the Nation's fisheries to a higher level.

Applying Lessons from the North Pacific to Magnuson-Stevens Act Reauthorization

We recommend that the Magnuson-Stevens Act be amended to strengthen the role of science in decision-making, a strong recommendation by the U.S. Commission on Ocean Policy. Specifically, we recommend 1) institutionalizing the North Pacific practice of setting TACs at or below biological limits established by the SSC, and 2) increasing the role of the SSC in determining other biological needs that regional councils would then need to act on. These needs might include, for example, establishing habitat priorities, ecosystem parameters, or refinements to setting ABCs to take into account special life history characteristics, predator/prey interactions or other ecosystem considerations.

My experience as a participant in the Council process is that the SSCs advice on catch limits is always heeded. On other matters, however, the council's response is inconsistent. With a clearer and more substantive role, as recommended by the U.S. Commission on Ocean Policy, this irregularity could be remedied without changing the regional decision-making system.

In addition, AMCC supports maintaining the conservation provisions added to the Magnuson-Stevens Act in the 1996 reauthorization. We advise against rolling back any of the provisions (including the overfishing guidelines for rebuilding overfished species) and believe all councils can and should come to terms with those basic requirements to minimize bycatch, end overfishing, protect habitat and promote communities.

New Challenges that the Magnuson-Stevens Act Should Address

1. <u>Ecosystem-Based Management</u>

   The U.S. Commission on Ocean Policy was clear in its report that the primary new challenge to the federal government is to build an ecosystem-based approach to ocean management including fisheries. Substantial discussion is underway about how to achieve this goal ranging from changing the ocean governance system to technical changes that build ecosystem parameters into fishery stock assessment models. From

our standpoint, the ecosystem challenge needs to be met at many levels of decision-making.

Our particular interest is building better mechanisms for considering habitat in fishery management decisions. As described by the U.S. Commission on Ocean Policy[1], good information on the distribution of habitats, ecological functions and sensitivity of habitats to fishing impacts is a cornerstone of ecosystem-based fisheries management.

The Council has made some positive decisions that protect sensitive areas but well-informed ecosystem-based management needs better information on what habitat is where. The Alaska Fisheries Science Center has accomplished some impressive habitat mapping work using sophisticated technology; we urge Congress to authorize funds to be spent on continuing this kind of research and giving priority to habitat mapping in research funding authorizations.[2]

Habitat conservation can be a very controversial matter sparking heated debate but that is most often driven by a lack of information about what habitats are at risk, where they are located and the level of impact occurring. Despite the heated debates, I've never heard a fisherman say he didn't think habitat was important. Ultimately progressive solutions lie in effective research yielding practical maps and data to inform scientists, stakeholders and decision-makers and enable creative ways to protect habitat while maintaining economically viable fisheries.

2. Dedicated Access Privileges

Individual Fishing Quotas (IFQs) or other kinds of dedicated access privileges are often discussed as fishery management models that are expected to have conservation and economic benefits as a natural consequence of slowing down the "race for fish" and making fisheries more efficient. However, IFQ case studies from around the world show that their natural trend is toward increasing consolidation of participants in a fishery, absentee owners leasing fishing access to sharecropper harvesters, ill-defined conservation benefits and communities bereft of a vibrant working waterfront. The promise that dedicated access programs will be a panacea for solving a wide array of problems just by slowing down the race for fish is a myth. The lesson

[1] USCOP, 2004. Final Report, p. 297. "…maintaining healthy, functioning habitats is an essential element of an ecosystem-based approach."

[2] This recommendation is supported by the USCOP and North Pacific Research Board:

USCOP, 2004. Final Report, p. 298. The USCOP recommended "…an extensive research and development program to…identify habitats critical to sustainability and biodiversity goals."

NPRB, 2004. Draft Science Plan, p. 78. "…basic research is needed to characterize habitat and its relationship to fish, to assess direct and indirect effects of fishing gears…and to determine the overall ecosystem function of specific types of habitat."

is that particular outcomes for conservation or the preservation of fishing communities are not achieved unless they are an explicit part of the program design. The National Research Council emphasized the importance of program design in its report to Congress:

> Confusion, conflict, and ambiguity about the relative importance and value of the objectives of an IFQ program can result in contradictions and inconsistencies in its design and implementation, making the program more vulnerable to unintended consequences and less likely to succeed.[3]

Dedicated access programs are going to change the face of our fisheries forever. Whether good or bad, the consequences will be large and long lasting so it's critically important to design them properly for intended outcomes. Standards in the Magnuson-Stevens Act would ensure that new dedicated access plans serve conservation effectively and promote the working waterfront of our fishery-dependent communities. AMCC recommends that Congress adopt the following standards to guide regional councils in the development of specific programs:

- Objectives – Programs must contain specific and measurable objectives defining the biological, social and economic goals of the program.

- Conservation Benefits – Programs should be designed to reward clean fishing (e.g. promote low bycatch, prevent high-grading, minimize habitat impacts).

- Limited Duration – Programs should be of limited duration (7-10 years). Before the end of each term of duration, programs should be subject to review. If programs are meeting their objectives, they should be continued for another term. If not, they should be modified to better achieve the objectives as a condition of their continuation. Regional councils should also be able to make minor course corrections as needed within a term of duration.

- New Entrants – Programs should create reasonable opportunity for future generations of independent fishermen to enter the fishery.

- Maintain Active Participation in Fishing –
  - Preserve existing characteristics of today's diverse independent fishing fleets by retaining the percentage of the catch that is harvested as owner-on-board.
  - Prevent ownership of fishing privileges by individuals or entities not otherwise associated with the fishery.
  - Prevent excessive consolidation.

- Data Collection & Disclosure – Programs that dedicate access to a public resource to private individuals should require transparency of 1) ownership of fishing

[3] National Research Council, 1999. *Sharing the Fish, Toward a National Policy on Individual Fishing Quotas.* P. 197.

quotas, 2) quota transfers and leasing, and 3) agreements that govern the use of quota. Such information is needed for managers to understand who controls quota as a prerequisite to enforcing caps on consolidation. This may be especially important as it applies to cooperatives.

- Competitive Markets – Congress should not authorize controls on markets through processing quota, limiting what processors are eligible to buy fish or requiring independent fishermen to deliver the catch to specific markets. All of these restraints are barriers to competition. It is not in Alaska or the Nation's interest to limit entrepreneurial activity in the seafood business. We recommend Congress look to other non-permanent means to assist processors in adapting to the transition from the open access "race for fish" to slower-paced fisheries.

Summary

AMCC appreciates the work Congress did in the 1996 reauthorization and we urge the committee to maintain these existing provisions to minimize bycatch, end overfishing, protect habitat and promote communities. To build on those positive steps, AMCC's specific recommendations are:

- Improve fisheries management in all the regions *including the North Pacific* by strengthening the use of science in management through greater adherence to recommendations by the Scientific and Statistical Committees on the setting of total allowable catch and other aspects of management such as establishing habitat priorities, ecosystem parameters, or refinements to setting ABCs to take into account special life history characteristics, predator/prey interactions or other ecosystem considerations.

- Enable habitat research by authorizing funds and giving priority to mapping living seafloor habitats and determining their ecological functions as a critical tool to move our fisheries to an ecosystem-based approach.

- Establish standards for dedicated access privileges as guidance to ensure fishery managers achieve community and conservation goals as they develop programs at the regional level.

Thank you again for this opportunity to provide AMCC's perspective to the committee.